

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael Rodney McMillian

Docket No. 7:02-CR-4-1BR

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Rodney McMillian, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession With Intent to Distribute More Than 50 Grams of Cocaine Base in violation of 21 U.S.C. § 846, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on September 4, 2002, to the custody of the Bureau of Prisons for a term of 121 months. On July 24, 2008, the term of imprisonment was reduced to 120 months, pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay to the United States a fine of \$6,855.

Michael Rodney McMillian was released from custody on February 5, 2010, at which time the term of supervised release commenced.

On August 26, 2010, the judgment was modified as follows:

1. The defendant shall serve two (2) days in the custody of the Bureau of Prisons as arranged by the probation officer.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On February 25, 2014, the defendant tested positive for marijuana. The defendant admitted to using marijuana in a misguided attempt to deal with stress. Mr. McMillian stated he is suffering from a high level of stress, due to a recent job loss, ensuing financial problems, and on-going marital issues. The defendant indicated that he thinks he will benefit from mental health treatment. The defendant has been on supervised release for four (4) years. He has largely complied, but did test positive on one prior occasion. Mr. McMillian has paid his fine. There are no additional instances of criminal conduct. In lieu of imposing a DROPS sanction, it is recommended the violation be held in abeyance and the judgment modified by the addition of a mental health condition. Additionally, the probation office will increase the level of monitoring of the defendant. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: February 28, 2014

ORDER OF COURT

Considered and ordered this 3 day of March, 2014, and ordered filed and made a part of the records in the above case.



W. Earl Britt
Senior U.S. District Judge